



Boston Brussels Chicago Dusseldorf Frankfurt Houston London Los Angeles Miami
Milan Munich New York Orange County Paris Rome Seoul Silicon Valley Washington, D.C.
Strategic alliance with MWE China Law Offices (Shanghai)

Andrew B. Kratenstein
Attorney at Law
akratenstein@mwe.com
+1 212 547 5695

September 5, 2014

BY ECF

The Honorable Sidney H. Stein
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *In the Matter of the Petition for the Appointment of an Arbitrator in the Arbitration
Between Hamilton Properties Limited v. FHR Gulf Management FZ LLC and Fairmont
Hotels & Resorts (U.S.) Inc., 14 civ. 6507*

Dear Judge Stein:

We represent Petitioner Hamilton Properties Ltd. ("Hamilton") in the above-referenced action. I write in response to the letter submitted earlier today by counsel to Respondents FHR Gulf Management FZ LLC and Fairmont Hotels & Resorts (U.S.) Inc. (together "Fairmont").

Contrary to Fairmont's counsel's contentions, the papers that Hamilton filed yesterday were not filed a week late, but a week *early*. Fairmont filed a Cross-Petition. (Dkt. No. 11.) Hamilton's Petition and Fairmont's Cross-Petition – including the accompanying memoranda of law – are not motions, they are Petitions.

Petitions are treated as pleadings, as was confirmed to our office's managing clerk by a clerk in the Court's ECF Office shortly after Fairmont filed its papers. Thus, as the clerk in the ECF Office also confirmed, under Federal Rule of Civil Procedure 12(a), Hamilton's papers were due on September 11, 2014, which is 21 days from the date of Fairmont's filing on August 21, 2014. Hamilton filed a week early on September 4, 2014.

Respectfully,

/s/ Andrew B. Kratenstein

Andrew B. Kratenstein